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**Frederick County Government**  
Division of Planning and Permitting



# Zoning Map Amendment

## Staff Report

Case #: R-22-03

Applicant: Windridge Properties L.C. and Windridge Farm, L.L.C. (Windridge GI)

Request: Rezone 223.524 acres from Agricultural (A) to General Industrial (GI)

## Site of Rezoning Request

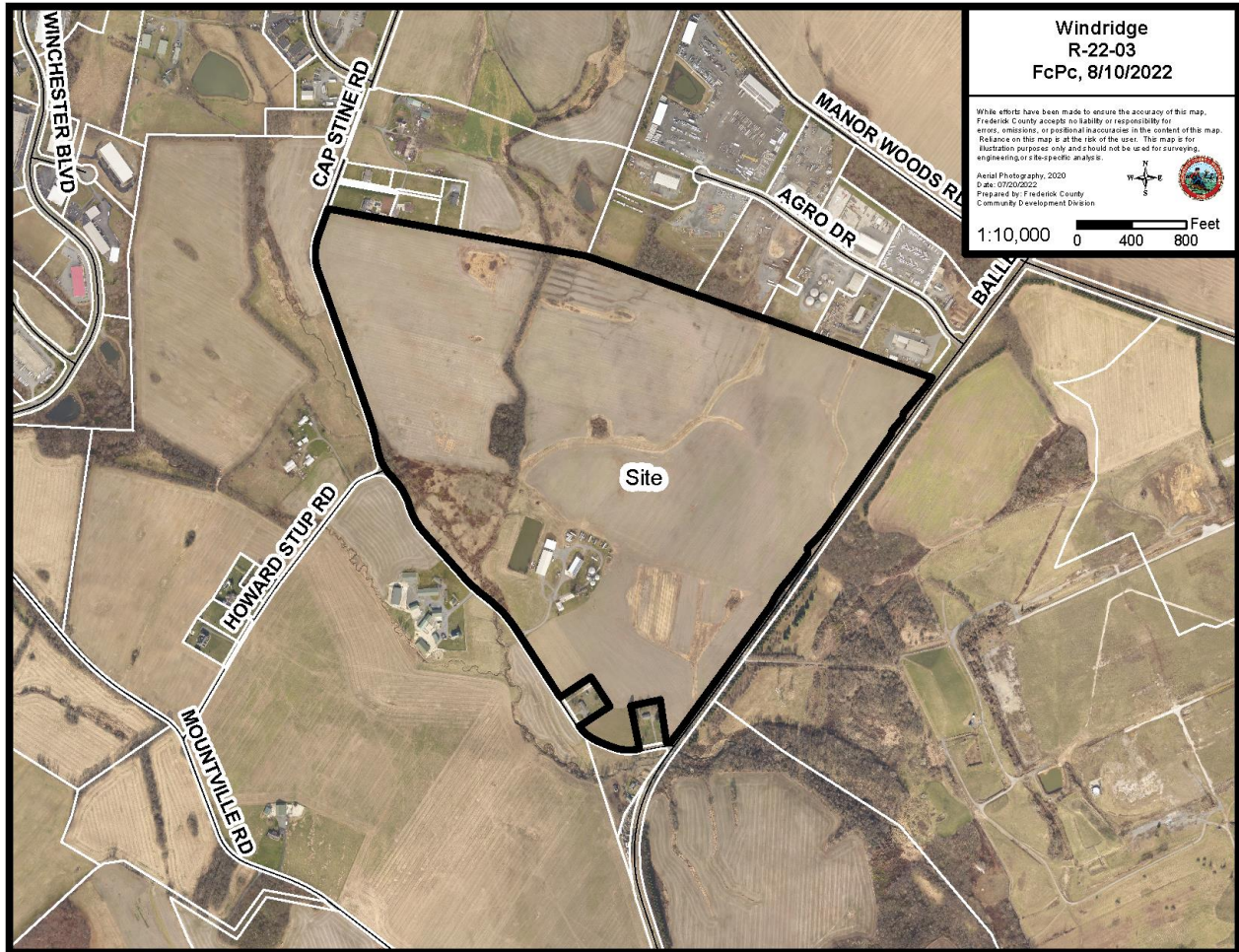


Figure 1 Aerial Map

## Applicant's Proposal

The Application proposes to rezone 223.524 acres from Agricultural (A) to General Industrial (GI). The Applicant is requesting the rezoning to allow for Critical Digital Infrastructure (CDI) uses on the Site.

The Site consists of a single parcel (3681 Cap Stine Road; Tax ID # 01-002198) that currently serves as an operational base for the Applicant's agricultural and property management businesses. A single-family detached home and several agricultural buildings occupy approximately eight (8) acres of land on the southern end of the parcel. Two (2) residential outlots (not included in the Application) are located along Cap Stine Road near its intersection with Ballenger Creek Pike.

The Applicant seeks a rezoning of the property, asserting that a substantial change in the character of the neighborhood has occurred as a result of the Quantum Loophole/Quantum Frederick data center project currently under development.

No specific plan for development has been submitted as part of this Application.

## Application At-A-Glance

### **What:**

- Requesting a *piecemeal* rezoning (a change to the existing zoning map) of a 223.524-acre Site currently occupied by a single-family home and several agricultural structures.
- Seeking to apply the General Industrial, or GI, zoning designation to the Site that is now zoned Agricultural (A).
- Although the land is designated on the County's Comprehensive Plan land use map for General Industrial uses, it is currently an actively farmed property.

### **Where:**

- The Site is located in the Eastalco Growth Area at the intersection of Cap Stine Road and Ballenger Creek Pike, adjacent to the holdings of Quantum Frederick (formerly the Eastalco site), southwest of the Ballenger Creek and South Frederick Corridors areas.

### **Why:**

- The Applicant seeks to rezone the property to allow for Critical Digital Infrastructure uses.
- The property is adjacent to the proposed Quantum Loophole/Quantum Frederick data center campus project that proposes a comprehensive redevelopment of the former Eastalco site.

### **How:**

- The Zoning Ordinance allows an application for an individual zoning map amendment to be filed by a property owner or his duly authorized agent, a contract purchaser, or any other person with at least a 50% proprietary interest in the property.
- The Applicant asserts as justification for the rezoning that a substantial change in the character of the neighborhood has occurred since the September 3, 2019 adoption of the Livable Frederick Master Plan (LFMP). This justification is referred to colloquially as the change or mistake rule.
- A rezoning application is subject to a two-step review process:
  - 1) *Planning Commission* conducts a public hearing to consider the application and accept public input, after which the Commission submits its recommendation to the County Council.
  - 2) *County Council* holds its own public hearing to consider the application and accept public input, after which it decides whether or not to amend the zoning map. The Council *may place certain conditions* on the property if it decides to approve a piecemeal rezoning request.
- The County is not required to approve a request for rezoning.
- If the application is approved and the zoning is changed to GI, any specific development activity proposed for the Site will be subject to all of the normal review and approval processes required of proposed development, including Subdivision Plan and Site Development Plan reviews by the Planning Commission. The project will also be subject to other regulations such as the Adequate Public Facilities Ordinance that considers the capacity of schools, roads, and water/sewer service.

# Evaluation

## General Land Use Factors

This Application, in seeking to rezone Agricultural (A) acreage to General Industrial (GI) acreage, requires some consideration of the overall impacts on the supply of industrially-zoned land in Frederick County. In recent decades, the County has not incorporated any detailed assessment of its industrially-zoned land inventory into its long-range land use plans. However, a few issues related to the availability of land with zoning designations that are supportive of non-office employment have arisen in this time.

**General Industrial Areas** – Once it was apparent that operations at the former Eastalco plant would cease, the County began to grapple with the prospect of nearly 1,100 acres of GI land being available for redevelopment. Several potential projects reached the level of initial discussions with County staff and elected officials in the years since the plant's demise. The 2010/2012 Comprehensive Plan preserved both the GI land use designations and the GI zoning at the Site, referring to the area as the Eastalco Employment Area. The 2019 Livable Frederick Master Plan took a different approach by considering a mixed use future for the Eastalco Growth Area.

Today, much of the remaining land in the County zoned for General Industrial uses is concentrated in areas south of the City of Frederick. A significant portion of the industrial lands located in other areas of the County is either currently in use by an existing employer, or encumbered by resource mining-related operations.

With the Quantum Frederick/Quantum Loophole project slated to occupy most of the Eastalco GI property, the County will need to consider its overall supply of GI property in a future planning document.

**Limited Industrial Areas** – Lands zoned Limited Industrial (LI) in Frederick County often provide the land resource necessary to support local, or smaller, employers who require lands that can support equipment and supply storage, and freedom from the burden of surrounding business and residential uses that may be negatively impacted by industrial operations. Concerns over the shrinking supply of LI-zoned property have focused more on the need to maintain a geographically-distributed supply of lands, as opposed to the overall acreage available. With the growing needs of emerging tech and bio-sciences employers in the County, planners and elected officials should consider where best to provide this type of zoning in order to support local employment in these sectors. The South Frederick Corridors Plan will be the first planning effort to deal with this issue directly, and may provide areas for this type of future employment growth.

**Eastalco Properties** – The 2019 Livable Frederick Master Plan highlights the Eastalco Growth Area in the section titled "Development Framework." Specifically, in describing the geography of growth patterns in the Multi-Modal District's *Rail Corridor*, the plan provides a glimpse of the possibilities for the Eastalco properties and surrounding areas on Pages 43-44:

### *Eastalco Growth Area*

- *A continuing focal point for development is identified in the area surrounding the decommissioned "Eastalco" site (12) (identified as the Eastalco Employment Area in the 2010 plan, and including, but not limited to, land holdings of the former Alcoa aluminum refinery and production plant located along Manor Woods Road between New Design Road and Ballenger Creek Pike). This area is currently the largest concentration of undeveloped land in the county zoned for general and/or light industrial development and presents a unique opportunity for future development.*

- *The opportunity for future development at points along this corridor – including the Eastalco site, South Frederick (13, 15), and Point of Rocks (16) – will be assessed and considered carefully during the development of small area plans for each of these places. While each small area plan will involve a study of those attributes and limitations unique to that growth area, many of the assessments will be similar in scope.*
- *For the Eastalco Growth Area, overarching development issues and opportunities would require a detailed assessment of the following elements as part of a future community planning effort, including:*
- *A community outreach component that will include a citizens advisory group or similar entity to ensure broad community engagement;*
- *A preservation component to include a review of historic sites and archaeological resources, viewsheds and cultural characteristics (identification, documentation, and preservation when appropriate), including special consideration of structures and sites associated with Charles Carroll of Carrollton Manor;*
- *An infrastructure component that identifies the timing and funding of public facilities (including roads and schools) necessary to support the efficient development of the designated growth area;*
- *A comprehensive study to address MARC system access and expandability with input from Maryland Transit Authority, County Transit, and CSX;*
- *A green infrastructure component that includes a detailed review of environmental systems and resources (hydrology, forests, habitat assessment), and that integrates the built environment to the natural edges, through the placement and programming of open space and additional preservation areas;*
- *An agricultural preservation component that examines options to encourage preservation of the valuable farmland at the site, as well as in the surrounding Priority Preservation Area;*
- *A thorough, transparent and open study of industrial site contamination and subsequent post-industrial remediation and monitoring efforts, in consultation with Maryland Department of the Environment and the Environmental Protection Agency;*
- *An assessment of the potential land use mix, which could include business, retail, residential, industrial, agricultural, open space, recreational, and institutional uses, for the growth area, including physical design, neighborhood impacts, public facility adequacy, comparative analysis of alternate land use scenarios, unique opportunities to address countywide planning challenges, and development feasibility;*
- *And finally, a thorough examination of how this existing growth area fits into the larger planning context for Frederick County, addressing countywide growth projections, current and future transportation challenges, and community efforts to plan effectively, consistently, and in a coordinated manner, for the Frederick County of tomorrow.*

It is clear from this plan description that the County anticipated a possible expansion of the growth activity beyond the holdings associated with Eastalco. In fact, the current boundaries of this growth area extend beyond the Eastalco (now Quantum Frederick) properties and incorporate the Applicant's property as well as some LI-zoned lands on adjacent parcels. The Windridge parcel is the only property within the Eastalco Growth Area that has been designated for General Industrial uses, while maintaining an Agricultural (A) zoning designation.

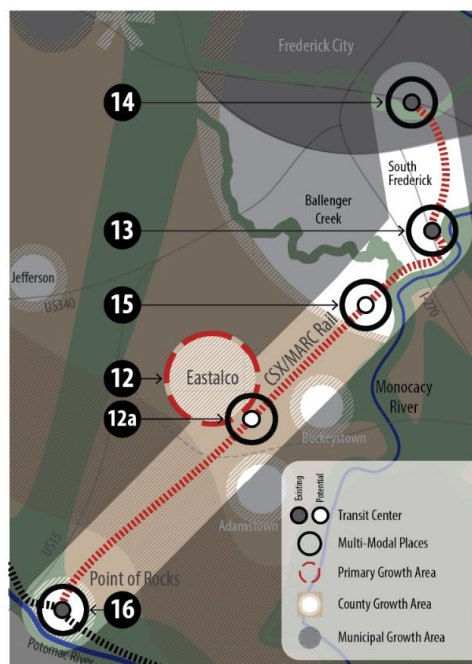
## Approval Criteria for Rezoning

The following sections of this report address each of the criteria set forth in Section 1-19-3.110.4 of the Frederick County Zoning Ordinance.

### Criterion A1. Consistency with the Comprehensive Plan

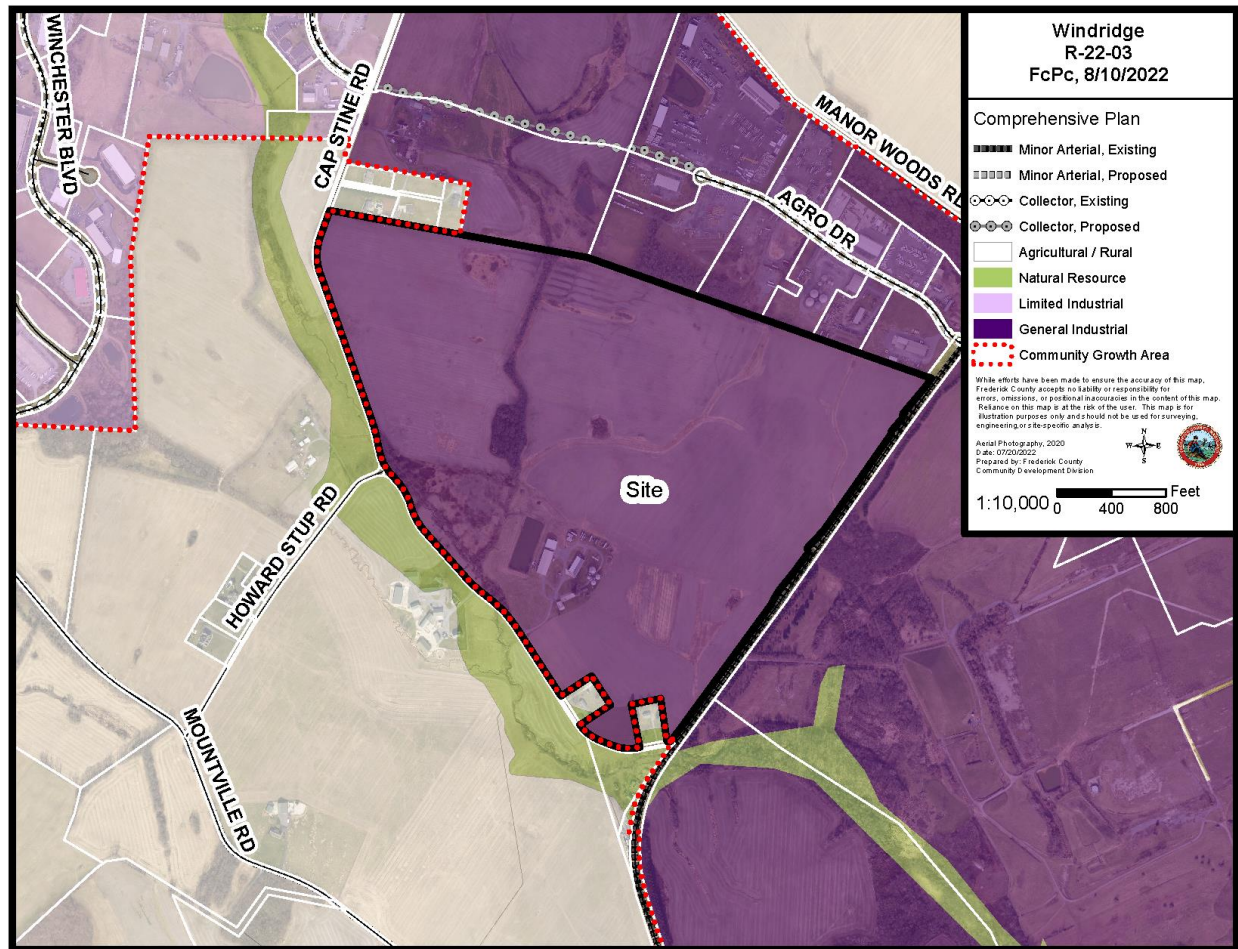
LFMP Development Framework - As mentioned previously, the Site is located within the Eastalco Growth Area and represents an opportunity for growth within an area generally supported by appropriate infrastructure and resources (existing and planned). The Site carries a land use designation of General Industrial and can be considered staged for future rezoning to support development.

Figure 3: The Rail Corridor



- 12) Eastalco Growth Area
- 12a) Multi-Modal Development Surrounding Potential New MARC Station
- 13) South Frederick Triangle Redevelopment and Multi-Modal Center
- 14) Downtown Frederick Transit Center (MARC and TransIT)
- 15) Potential Multi-Modal Development Within Ballenger Creek East
- 16) Potential Multi-Modal Development in Point of Rocks in Proximity to Train Station
- Not shown: Brunswick City Multi-Modal Development





**Figure 2 Comprehensive Land Use Plan Map**

LFMP Vision Statement - The application of GI zoning to the Site is supported by the LFMP's *Vision* statement including the following notable points:

*Frederick County provides interesting and fulfilling jobs and options for everyone to support their families.*

*We embrace businesses of all types and sizes to ensure a vibrant and strong economy.*

*We value our traditional industries while seizing the opportunity of the future, healthcare, biotech, advanced technology, and more.*

LFMP Action Framework - There has not been a specific Community or Corridor Plan developed for the Eastalco Growth Area. However, the County has worked to support the development of the Quantum Frederick/Quantum Loop project on the Eastalco site. Section 3.2 of the LFMP's Action Framework states County support for emerging businesses in Frederick County.

### 3.2. Existing Business and Industry Clusters

*Goals in this category target opportunities and innovation to support, attract, and grow business prospects and industry*

*clusters that traditionally are a foundation of the local economy and are part of the culture of the broader Frederick County community.*

#### *Goals*

##### *3.2.1. Knowledge-Based Industry*

*Work to expand opportunities in knowledge-based industries – those industries where production and services are based on a vast knowledge of technical and scientific skills, with workers highly skilled in those areas – such as information technology, life and natural sciences, and other new and emerging technical business opportunities.*

#### *Initiatives*

##### *3.2.1.1. Emerging Industries*

*Support and actively seek opportunities to attract and expand technology, life and natural sciences, advanced manufacturing, and other highly technical jobs and career opportunities in Frederick County.*

#### *Supporting Initiatives*

*3.2.1.1.2. Develop flexible zoning and planning tools to stay current with the rapid pace of change in knowledge-based industries so that start-up companies and entrepreneurs can grow or expand quickly.*

Staff would consider the application of GI zoning to the Windridge site to be consistent with the Livable Frederick Master Plan and Comprehensive Plan Land Use Map as it would allow for potential employment growth in an area generally planned for such development.

## **Criterion A2. Availability of Current and Planned Public Facilities**

Public water and sewer service to this property is not currently available and there are no County Capital Improvement Program (CIP) projects planned to extend water or sewer mains to the parcel. However, public water and sewer extensions are proposed as part of the Quantum Frederick project. Water treatment capacity, adequacy of water pressure, water storage volume, and piping alignments required to adequately serve the parcel must be analyzed by developer-funded engineering efforts and approved by the Division of Water and Sewer Utilities as part of the future development process, as will sewer collector and treatment infrastructure necessary to provide public wastewater treatment to the Site. The elevation of land east of Ballenger Creek Pike (near Agro Drive) will require a water booster pump station in order to provide public water to the Windridge site.

The County recently approved Water and Sewer Map Amendment WS 21-33 which seeks to designate the Windridge parcel as Planned Service (PS) for both public water and public sewer service. That map change is currently under review by the Maryland Department of the Environment (MDE).

Generally:

Water and sewer capacity is available on a first-come, first-served basis.

### **Water Service**

Water would be supplied to the Site from the New Design Water Treatment Plant. This plant has a permitted withdrawal



capacity of 16 million gallons/day (MGD) (average daily) and has a current average daily demand of approximately 6 MGD.

#### **Sewer Service**

Sewage treatment would be provided by the Ballenger-McKinney wastewater treatment plant (WWTP), which has a permitted capacity of 15 MGD and currently discharges into the Monocacy River. In 2020, average daily treatment flow at the Ballenger-McKinney WWTP was 7.3 MGD.

#### **Public Schools**

This proposed rezoning would have no direct impacts upon Frederick County Public Schools.

#### **Public Safety**

The Site is served by the Carroll Manor Volunteer Fire Company, Station 14, and the Carroll Manor Point of Rocks Station, Station 28. From the Frederick County DFRS Fire-Rescue Service Plan (CY2019-CY2029):

*With the exception of the Eastalco Employment Area, the Adamstown Planning Area is a low risk fire – rescue service area that requires a basic level of fire and emergency medical service delivery capability to meet the current and potential service demand. The industrial development in the Eastalco Employment Area is a moderate risk development zone, but in and of itself, does not generate a significant service demand at this time.*

Future development of the subject Site may require additional fire and rescue service resources depending upon the proposed uses.

A replacement station for Carroll Manor (Station 14) will receive design funding in FY2024 (next year). The new station will be located at the intersection of MD 85 (Buckeystown Pike) and Adamstown Road, approximately three miles from the Windridge property.

#### **Libraries**

Occupants of any approved development on this Site would be served by any of the three public libraries in this part of the County including C. Burr Artz Library located in Downtown Frederick, the Urbana Regional Library in the Village of Urbana, and the Edward F. Fry Library at Point of Rocks.

#### **Parks**

The proposed rezoning would not significantly impact park and recreation facilities. With the development of the New Design Road Sidepath (east of the Site), potential connections to parks and recreational facilities will be available to occupants of the Windridge property.

### **Criterion A3. Adequacy of Existing and Planned Transportation Systems**

The existing transportation network available to immediately serve many of the uses available to owners of GI-zoned property in the Eastalco Growth Area is limited. However, the Quantum Frederick project may, over time, improve the ability of local roadways to function in a way that supports development of the Windridge property as proposed in the Application.

#### **Existing Site Access Characteristics**

The Site has approximately 3,300 feet of frontage along Ballenger Creek Pike, a 2-lane minor arterial roadway providing north-south access through this largely rural area. The parcel's Cap Stine Road frontage stretches nearly one mile (5,000+ feet) and converges with Ballenger Creek Pike at the Site's southernmost point. To the north of the Site is an industrial park served by Agro Drive, a cul-de-sac that intersects with

Ballenger Creek Pike. East-west vehicular movement follows Manor Woods Road, which provides a route connecting to I-270 (at Urbana) via Md 80 through Buckeystown. Access to US 15, west of the Site, is provided via Mountville Road which can be accessed by connections to either Howard Stup Road or Ballenger Creek Pike or to the north via Cap Stine Road. Currently, there are no signalized intersections in the vicinity of the Windridge property.

### **Comprehensive Plan Map Designations for Adjoining Roads**

Ballenger Creek Pike – *Minor Arterial*

Cap Stine Road – *Local Access/No Designation*

### **Pedestrian and Bicycle Facilities**

Pedestrian and bicycle access to, and surrounding, the Site is severely restricted at the present time.

Ballenger Creek Pike is listed as an on-street bikeway. Development of this Site would likely require frontage improvements consistent with surrounding new development in the form of on-street bike lanes or other acceptable multimodal alternatives (multi-use or shared use paths).

The New Design Side Path, a planned multi-use trail connection linking the C&O Canal towpath with the City of Frederick, is located east of the cluster of existing and planned industrial lands of which the Windridge property is a part. The section from English Muffin Way to Manor Woods Road is currently under design.

### **Rail Access**

CSX freight rail trackage, which also serves as the route for the Frederick spur of Maryland's MARC passenger service, passes to the east of the Site.

### **Traffic Impact Analysis (TIA) Highlights**

General land uses proposed in this rezoning application provide some indication of potential impacts to the existing and planned vehicular network serving this Site. However, the Applicant is seeking a change of zoning that would enable access to many types of potential land uses, and would not be limited to those described as Critical Digital Infrastructure uses. It is anticipated that development of the 223+/- acres would result in trip generation significantly above 50 peak hour trips. A traffic impact analysis was not provided as part of the application.

Trip Generation: No trip generation was provided.

Quantum Frederick Planned Improvements:

There are a number of planned transportation improvements associated with the Quantum Frederick project that upon completion will provide additional capacity and functionality to the surrounding roadway network. These improvements consist of separate turn lanes, roadway widening, roundabouts, and traffic signal installation at various stages of development. Many of these improvements will not be constructed prior to 2030, as they are phased improvements based on actual peak hour trip generation associated with build-out.

### **Site Access**

Specific access to the Site has not been identified in this application.

**Transportation Summary**

The Comprehensive Plan maps future major roadway alignments identifying significant expansions to the network at a conceptual level. One such roadway alignment is that of MD 80's westward extension, originally conceived as an arterial connection between I-270 at Urbana and the southern leg of US 15 as it passes to the west of the vast industrially-zoned lands in this area. The MD 80 conceptual segment between New Design Road and MD 85 does not have an identified path forward at this time.

The proposed rezoning and associated development would be expected to provide necessary road improvements, or contribute pro-rata shares as part of the APFO approval process, upon determination that the transportation network is adequate through a traffic impact analysis. Site specific trip generation, distribution, or technical transportation network analysis was not submitted as part of this application.

**Criterion A4. Compatibility with Existing and Proposed Development**

Adjoining land uses include agricultural and rural residential uses to the south and west, proposed industrial (CDI) uses to the east, and industrial uses (along Agro Drive) to the north. A small cluster of residences is also located along the northwestern property boundary of the Site.

Staff finds the proposed GI zoning to be generally compatible with surrounding zoning and land uses.

Future CDI uses on adjoining parcels, which were approved as the Quantum Frederick project, would represent a level of land use parity and be compatible with the vast majority of permitted uses in the GI district. Although the Applicant states that the future use of the Site will be for CDI uses, if the GI zoning is approved that approval would allow any permitted use in the GI zoning district, as it is regulated now, or may be regulated in the future.

**Criterion A5. Population Change, Including Availability and Location of Land Zoned to Meet the Ten-Year Need for Residential Development**

The Applicant has provided the following statement regarding population change over the next 10 years and its relationship to this Application:

*Not applicable, as the requested zoning is non-residential.*

Staff find that this Application has no direct impact upon population change, as it is understood in Criterion A5.

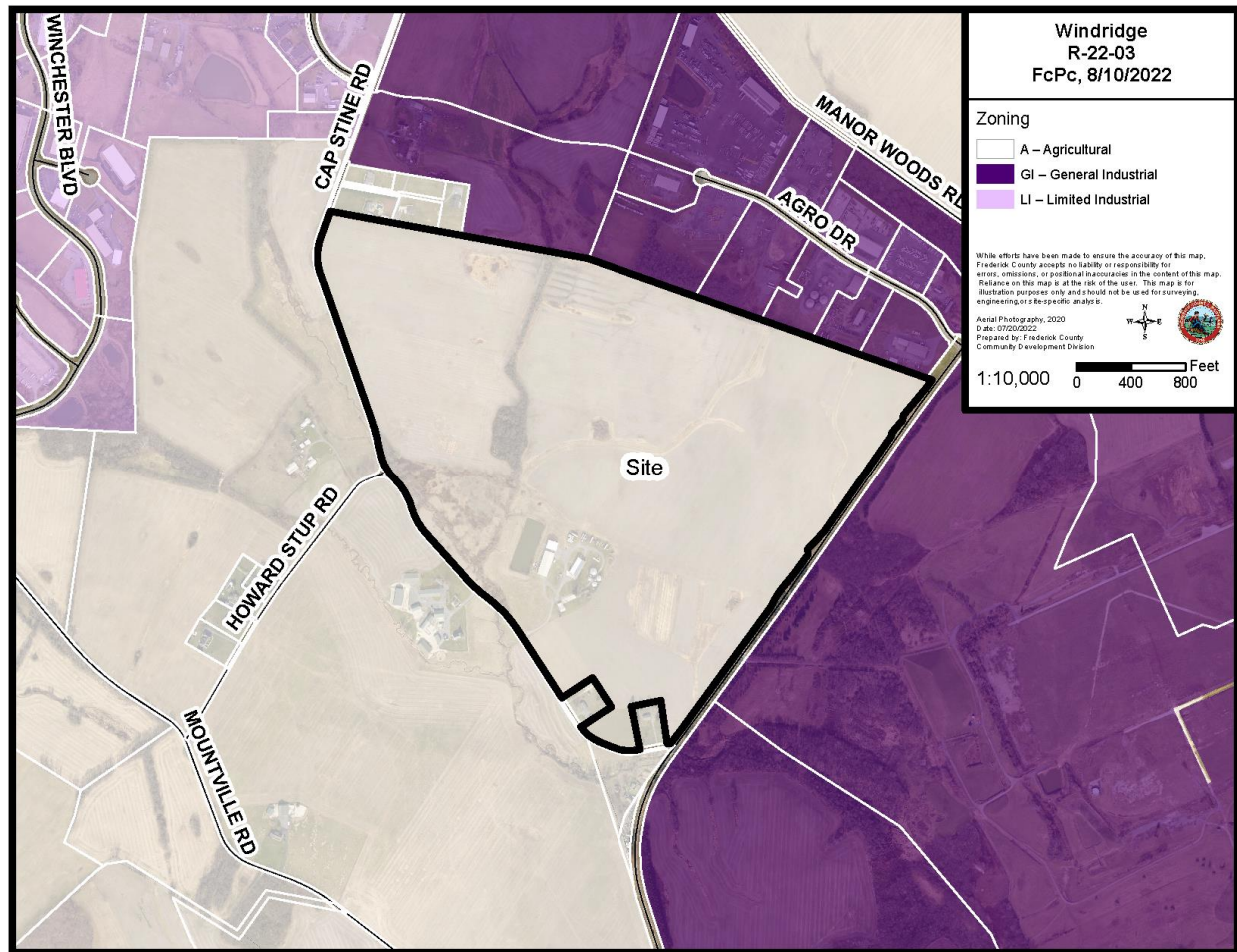


Figure 3 Zoning Map

### Criterion A6. The Timing of Development, Planned Future Transportation Systems and Planned Public Facilities

The Application does not propose a specific schedule for development of the Site. There is existing road access and capacity to allow very modest development of the Site to occur within 5 years, however, most transportation improvements are dependent upon the Quantum Frederick project and are proposed to occur in the 10-15 year time horizon.

As noted in the discussion of Criterion A2., public water and sewer service to this property is not currently available and there are no County Capital Improvement Program (CIP) projects planned to extend water or sewer mains to the parcel. However, public water and sewer extensions are proposed as part of the Quantum Frederick project. Water treatment capacity, adequacy of water pressure, water storage volume, and piping alignments required to adequately serve the parcel must be analyzed by developer-funded engineering efforts and approved by the Division of Water and Sewer Utilities as part of the future development process, as will sewer collector and treatment infrastructure necessary to provide public wastewater treatment to the Site. The Site will ultimately be subject to subsequent subdivision, site plan, and APFO review, if rezoned.

### **Criterion A7. Sensitive Environmental Resources Have Been Identified and Impacts to These Resources are Avoided or Minimized to the Maximum Extent Practicable**

The Site is currently contains one existing home, an agricultural and property management operation, and its associated outbuildings, driveways, and agricultural infrastructure. The parcel is sparsely vegetated with most of the mature vegetation occurring along the intermittent stream that runs north-south through the property. Limited FEMA floodplain areas (Flood Zone A) exist along the property's southwestern border with Cap Stine Road. The rezoning application does not contain information about any specimen trees or forest resources present on the Site. The highest elevation areas on the parcel are located on its northeastern quadrant (400 ft), with lower areas located along the stream parallel to Cap Stine Road (340 ft).

No detailed development plan has been provided as part of this Application.

### **Criterion A8. Historic Resources Have Been Identified and Impacts to These Resources are Avoided or Minimized to the Maximum Extent Practicable**

The Maryland Historical Trust identifies this Site on the Maryland Inventory of Historic Places (MIHP) as the J. Franklin Thomas Farmstead (MIHP# F-1-190):

*Description: The property at 3681 Cap Stine Road, known as the J. Franklin Thomas Farmstead (F-1-190), is a farm complex consisting of a two-story Gothic Revival farmhouse featuring both Greek Revival and Italianate elements, two metal pole barns, eight metal grain silos, and a single-wide modular home set upon 222.53 acres. Maryland Department of Assessment and Taxation records indicate that the main residence was built in 1880. The main two-story brick residence is situated on top of a hill approximately 100 yards northeast from the road and has a gabled roof. The overall style is vernacular, but the house features certain stylistic flourishes, such as Italianate window treatments, and Greek Revival cornice returns and dentils along the cornices. According to the Maryland Historic Trust (MHT) State Historic Sites Inventory Form for the property, the rear ell of the residence is a log-frame structure that predates the brick residence to which it is attached. In addition, the MHT form indicates that a frame bank barn, wagon-shed, or corn crib, a log smokehouse, and a chicken house converted into a garage are all located at the property. These structures all appear to be no longer extant. The existing support buildings include metal pole barns of recent construction, and a single-wide modular home that dates to the 1970s or 80s. The property at 3681 Cap Stine Road was originally part of a 470-acre tract known as "Poplar Thicket," surveyed in 1732 by John Beal, Jr. and Dr. Thomas Creary. The original tract was located to the west of Carrollton. 326 acres of the tract were sold to Gabriel Thomas (Tamas) in 1754, and two years later was further subdivided between Gabriel and his brothers, Valentine and John. The Thomas brothers were part of a German immigrant family born in Schifferstadt, Germany. John Franklin Thomas was the great-grandson son of the immigrant John Thomas and purchased the 225-acre portion of the original property from his father, George Thomas of Henry, in 1877. He then remodeled the residence and constructed the buildings described in the MHT form. Thomas began purchasing nearby farms and was a successful dairy farmer, land speculator, and principal investor in the Adamstown Packing Company.*

The Maryland Historical Trust has made a determination (April 2019) that the property is not eligible for the State and National Register of Historic Places (S/NRHP).



### **Criterion B. 'Change or Mistake'**

In addition to the criteria above, approval of a request for an individual zoning map amendment may be granted only where a finding has been made that there was a substantial change in the character of the neighborhood, or a mistake in the existing zoning classification has been identified. Even if an Applicant provides evidence of a change in the character of the neighborhood, approval of the request to rezone is not required.

### **Criterion B1. A Substantial Change in the Character of the Neighborhood Where the Property is Located**

A determination as to whether or not a "substantial change in the character of the neighborhood" has occurred cannot be based upon activities that have occurred as a result of an approved Comprehensive Plan. The most recent comprehensive planning document in Frederick County is 2019's Livable Frederick Master Plan. Changes that were anticipated in a comprehensive planning document and implemented to achieve the vision articulated in a Comprehensive Plan cannot be considered in the analysis.

Physical changes to the character of the neighborhood surrounding the subject parcel have not occurred.

### **Criterion B2. A Mistake in the Existing Zoning Classification**

The Applicant has not asserted that a mistake was made in the zoning of the Site as Agricultural (A). Therefore, Criterion (B)2 does not apply in this case.

## **Summary of Findings**

### **§ 1-19-3.110.4 (A) (Approval Criteria for Zoning Map Amendments)**

#### **(1) Consistency with the comprehensive plan;**

The Site is designated General Industrial on the current Comprehensive Plan Map which is consistent with the application of the General Industrial zoning district. The Site is located within the Eastalco Growth Area. The proposal would be consistent with the Livable Frederick Master Plan, as noted in these specific components:

The LFMP Thematic Plan Diagram;  
The LFMP Vision Statement;  
The LFMP Development Framework; and,  
Key Goals and Initiatives stated in the LFMP Action Framework.

#### **(2) Availability of current and planned public facilities;**

The rezoning of this Site will have no direct impact on schools, and will not likely significantly impact parks, public safety, or library facilities. Water would be supplied by the New Design Water Treatment Plant. Sewer would be treated by the Ballenger McKinney Wastewater Treatment Plant. Both systems currently have adequate treatment and supply capacity to serve many uses permitted in the GI zoning district. No analysis has been performed as to availability of water for cooling purposes.

(3) Adequacy of existing and planned future transportation systems;

Existing planned projects, as well as modest improvements in the immediate vicinity of the proposed rezoning Site, would provide additional functionality to the transportation network serving the Eastalco Growth Area. The adequacy of these systems, when tested for any particular land use on the Site, may be constrained by the existing – or improved – roads network.

(4) Compatibility with existing and proposed development;

The proposed GI zoning is generally compatible with surrounding zoning and land uses provided that any future industrial uses on this Site were reviewed and approved only after consideration of potential negative impacts on proximate agricultural or CDI operations.

(5) Population change, including availability and location of land zoned to meet the ten-year need for residential development;

The proposed rezoning will have no direct impact upon population change, as it is understood in Criterion A5.

(6) The timing of development, planned future transportation systems and planned public facilities;

The Application does not propose a specific schedule for development of the Site. Development of some permitted uses on the Site may be possible within the first five years; however, many of the public facilities necessary to support substantial and intensive use on the Site would be dependent upon improvements to public facilities by others. Uses that result in an excessive number of peak hour trips may not be able to progress without substantial improvements to the roads network. Public water and sewer service may be available within 1-5 years, but is also dependent upon improvements by others.

Fire and rescue services are likely adequate to handle many of the proposed uses permitted in the General Industrial zoning district, but certain uses may require additional or enhanced service improvements. The planned replacement of Carroll Manor Station 14 in FY2026 will provide enhanced service capabilities to the Eastalco Growth Area.

If rezoned, the Site will be subject to subsequent subdivision, site plan, and APFO review.

(7) Sensitive environmental resources have been identified and impacts to these resources are avoided or minimized to the maximum extent practicable;

The Site of the proposed rezoning is currently in Agricultural use. Any applicable regulations regarding Environmental Site Design, FRO (including specimen trees), or other sensitive natural resources would be addressed at the time of subdivision and site plan review. Existing FEMA floodplain and stream buffers would be addressed at the time of plan review.

(8) Historic resources have been identified and impacts to these resources are avoided or minimized to the maximum extent practicable.

The Maryland Historical Trust identifies this Site on the Maryland Inventory of Historic Places (MIHP) as the J. Franklin Thomas Farmstead (MIHP# F-1-190). The Maryland Historical Trust has made a determination (April 2019) that the property is not eligible for the State and National Register of Historic Places (S/NRHP). No additional impacts to historic resources have been identified.

B(1) A Substantial Change in the Character of the Neighborhood Where the Property is Located.

There is no evidence that any substantial physical or significant visible changes to the character of the neighborhood have occurred that are not the result of and in accordance with prior Comprehensive Plans or since the last Comprehensive Plan update (*Livable Frederick Master Plan*, September 2019).

B(2) A Mistake in the Existing Zoning Classification.

A mistake in the current zoning has not been asserted by the Applicant and Staff has found no mistake in the current zoning of the Site as Agricultural (A). Therefore, Criterion (B)2 does not apply in this case.

## Planning Commission Review and Action

The Planning Commission shall make its recommendation to the County Council, basing its findings on the information in the record, including testimony presented at the hearing. Such findings shall be based upon review of the Approval Criteria as set forth in §1-19-3.110.4.

When approval criteria call for findings of consistency with the County's comprehensive plan, the Planning Commission shall consider the Livable Frederick Comprehensive Plan which includes the *Livable Frederick Master Plan* (2019), the *Comprehensive Plan Map* (Land Use Map), and other plan elements as adopted by the County Council.

§ 1-19-3.110.4. APPROVAL CRITERIA. (for Zoning Amendments)

(A) Approval or disapproval of a request for an individual zoning map amendment shall be determined through review of several criteria. The Planning Commission and County Council review will include, but not be limited to:

- (1) Consistency with the **comprehensive plan**;
- (2) Availability of current and planned **public facilities**;
- (3) Adequacy of existing and planned future **transportation systems**;
- (4) **Compatibility** with existing and proposed development;
- (5) **Population change**, including availability and location of land zoned to meet the ten-year need for residential development;
- (6) The **timing of development**, planned future transportation systems and planned public facilities;
- (7) **Sensitive environmental resources** have been identified and impacts to these resources are avoided or minimized to the maximum extent practicable; and
- (8) **Historic resources** have been identified and impacts to these resources are avoided or minimized to the maximum extent practicable.

(B) In addition to the criteria above, approval of a request for an individual zoning map amendment may be granted only where a finding has been made that there was:

- (1) A substantial change to the character of the neighborhood where the property is located; or,
- (2) A mistake in the existing zoning classification.

The Planning Commission shall forward its recommendation to the County Council within 62 days of its first public hearing. A failure to make a recommendation within 62 days of the first public hearing shall be deemed as providing no recommendation on the request.

## Options for Planning Commission Action

After consideration of all of the evidence in the record, the Planning Commission may take either of the following actions regarding this application:

1. If there is sufficient evidence in the record to support a finding of change in the character of the neighborhood, the Planning Commission may, but is not required to, recommend approval of the application.
2. Recommend denial of the application.

## Proposed Conditions

Section 1-19-3.110.5 of the Zoning Ordinance allows the County Council impose conditions upon the granting of a zoning map amendment:

*The County Council may impose, upon the granting of a zoning map amendment or floating zone reclassification, such additional restrictions, conditions, or limitations as may be deemed appropriate to preserve, enhance, or protect the general character and design of the lands and improvements being zoned or rezoned or of the surrounding or adjacent lands and improvements. The county may, upon the zoning or rezoning of any land, retain or reserve the power and authority to approve or disapprove the design of structures, construction, landscaping or other improvements, alterations and changes made or to be made on the subject land or lands to assure conformity with the intent and purposes of this chapter. Conditions imposed or requested may not include the prohibition of any uses expressly permitted in the requested zoning district.*

Should the Planning Commission decide to recommend approval of this application, the Commission may recommend conditions for the approval provided those conditions do not prevent any other uses allowed in the General Industrial (GI) zoning district.